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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,559	02/20/2004	Roland J. Christensen	21593	7536

20551 7590 08/31/2006

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EXAMINER
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STEWART, ALVIN J

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,559	<b>Applicant(s)</b> CHRISTENSEN, ROLAND J.	
	<b>Examiner</b> Alvin J. Stewart	<b>Art Unit</b> 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 15-19 and 23 is/are rejected.
- 7) ☒ Claim(s) 20-22 and 24-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kania et al US Patent 6,306,178 B1.

Kania et al discloses a prosthetic foot (10) comprising a plurality of cantilever-springs (16 & 18) each having an attachment section, the springs are capable of elastic deformation one of the springs defining a unitary foot member, means for variably inter-coupling the cantilever-springs and a cam (22).

Claims 15-17 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Christensen US Patent 6,241,776 B1.

Christensen discloses a prosthetic foot (88) comprising a plurality of cantilever-springs (60, 20 & 90) each having an attachment section (96), the springs are capable of elastic deformation one of the springs defining a unitary foot member, means for variably inter-coupling the cantilever-springs (50).

***Allowable Subject Matter***

Claims 1-13 are allowed.

Claims 20-22 and 24-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive.

The Examiner completely disagrees with the Applicant's arguments regarding that Kania et al and/or Christensen fail to disclose a plurality of cantilever springs where one of the cantilever springs is a unitary foot member extending continuously from the attachment section to the toe section. The Examiner interpreted the structure limitations of the prior art as follow: the plurality of cantilever-springs (16 & 18), both having attachment sections coupleable to a stump of an amputee. The attachment section of the first cantilever-spring is right before element 26 abut element 11 as shown in Figure 1 and the attachment section of the second cantilever-spring is the section between element 29 and element 30 in Figure 1. The Examiner believes that the second attachment section is coupleable to the stump of an amputee because the meaning of the word "couple" in the Merriam-Webster Dictionary is the following: --- something that joins or links two things together--- therefore, it doesn't means that the attachment section of the second cantilever-spring is abutting the stump of an amputee. Element 20 and element 26, as shown in Figure 1, help element 30 link the stump of an amputee.

Regarding the unitary foot extending continuously from the attachment section to the toe section (see attachment), as shown in Figure 1, the unitary foot member extends continuously from the attachment section to the toe section because there is no gap or opening disrupting the continuity of the connection. Elements 18, 30, 20, 26 and 11 are linked to each other. For the above reasons the Examiner believes that the prior art still read on independent claim 15. However, claims 1-13 are allowed.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Stewart whose telephone number is 571-272-4760. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ALVIN J. STEWART**  
**PRIMARY EXAMINER**  
Art Unit 3738

August 25, 2006.